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PART IV

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. 4400—L.A., dated Bangalore, 8—10th October 1951.

As required by Rule 69 of the Rules of Procedure and Conduct of business in the Mysore Legislative Assembly, the following report of the Select Committee on the Mysore Suits Valuation Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,

Secretary,
Mysore Legislature.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE SUITS VALUATION BILL, 1951.

(*Presented on 8th October* 1951.)

We, the members of the Select Committee to which the Mysore Suits Valuation Bill, 1951, was referred, have

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considered the several clauses of the Bill and have the honour to submit the following report :—

Clause 7.—We recommend that the date from which Part II should be extended should be the first day of January, 1952 and we accordingly recommend that for the word and figure "July, 1951" the word and figure "January, 1952" may be substituted.

Clause 10.—(i) We recommend that in sub-clause (4) for the words "or other enactment" the words "or any other enactment" may be substituted.

(ii) We recommend that in sub-clause (5) for the word and figure "July, 1951" the word and figure "January, 1952" may be substituted.

The Bill was published in the *Mysore Gazette* Extraordinary dated the 14th March 1951. In our opinion, the Bill has not been so altered as to require circulation.

K. T. BHASHYAM (*Chairman*).
H. SIDDAVEERAPPA.
KADIDAL MANJAPPA.
SYED ABDUR RAHMAN.
MOHAMED HANIEF.
H. SIDDANANJAPPA.
T. RAMACHAR.
M. C. VENKATESHAN.
MALI MARIYAPPA.

BANGALORE,
2nd July 1951.

[AS AMENDED BY THE SELECT COMMITTEE.]

(Words underlined indicate the amendments suggested by the Committee.)

THE MYSORE SUITS VALUATION BILL, 1951.

A Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of courts with respect thereto.

WHEREAS it is expedient to prescribe the mode of valuing suits for the purpose of determining the jurisdiction of courts with respect thereto; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Suits Valuation Act, 1951. Short title and commencement.

(2) It shall come into force at once.

PART I.

SUITS RELATING TO LAND.

2. This part shall extend to such local areas, and come into force therein on such dates as the State Government may, by notification in the *Mysore Gazette*, appoint. Extent and commencement of Part I.

3. (1) The State Government may make rules for determining the value of the land for purposes of jurisdiction in the suits mentioned in the Mysore Court Fees Act, 1900, section 4, paragraphs v and vi and paragraph x, clause (d). Power for State Government to make rules determining value of land for jurisdictional purposes.

(2) The rules may determine the value of any class of land or of any interest in land in the whole or any part of a local area and may prescribe different values for different places within the same local area.

Valuation of relief in certain suits relating to land not to exceed the value of the land.

4. Where a suit mentioned in the Mysore Court Fees Act, 1900, section 4, paragraph iv, or Schedule II, article 11, relates to land or an interest in land of which the value has been determined by rules under the last foregoing section, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land or interest as determined by those rules.

Making and enforcement of rules.

5. (1) The State Government shall, before making rules under section 3, consult the High Court with respect thereto.

(2) A rule under the section shall not take effect till the expiration of one month after the rule has been published in the *Mysore Gazette*.

Repeal of section 11 of the Mysore Act I of 1883.

6. On and from the date on which rules under section 3 take effect in any local area, section 11 of the Mysore Civil Courts Act, 1883, shall stand repealed as regards that local area.

PART II.

OTHER SUITS.

Extent and commencement of Part II.

7. This part extends to the whole of the State of Mysore and shall come into force on the first day of January, 1952.

Court-fee value and jurisdictional value to be the same in certain suits.

8. Wherein suits other than those referred to in the Mysore Court Fees Act, 1900, section 4, paragraphs v, vi and ix, and paragraph x, clause (d), court-fees are payable *ad valorem* under the Mysore Court Fees Act, 1900, the value as determinable for the computation of court-fees and the value for purposes of jurisdiction shall be the same.

Determination of value of certain suits by High Court.

9. When the subject matter of suits of any class, other than suits mentioned in the Mysore Court Fees Act, 1900, section 4, paragraphs v and vi, and paragraph x, clause (d) is such that in the opinion of the High Court it does not admit of being satisfactorily valued, the High Court may, with the previous sanction of the State Government, direct that suits of that class shall, for the purposes of the Mysore Court Fees Act, 1900, and of this Act and

any other enactment for the time being in force, be treated as if their subject matter were of such value as the High Court thinks fit to specify in this behalf.

PART III.

SUPPLEMENTAL PROVISIONS.

Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes.

10. (1) Notwithstanding anything in section 99 of the Code of Civil Procedure, 1908, an objection that by reason of the over-valuation or under-valuation of a suit or appeal a court of first instance or lower appellate court which had not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be entertained by an appellate court unless—

(*a*) the objection was taken in the court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower appellate court in the memorandum of appeal to that court, or

(*b*) the appellate court is satisfied for reasons to be recorded by it in writing, that the suit or appeal was over-valued or under-valued and that the over-valuation or under-valuation thereof has prejudicially affected the disposal of the suit or appeal on its merits.

(2) If the objection was taken in the manner mentioned in clause (*a*) of sub-section (1), but the appellate court is not satisfied as to both the matters mentioned in clause (*b*) of that sub-section, and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the court of first instance or lower appellate court.

(3) If the objection was taken in that manner and the appellate court is satisfied as to both those matters and has not those materials before it, it shall proceed to deal with the appeal under the rules applicable to the court with respect to the hearing of appeals; but if it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an appellate court shall, so far as they can be made applicable, apply to a court exercising revisional jurisdiction

under section 115 of the Code of Civil Procedure, 1908, or any other enactment for the time being in force.

(5) This section extends to the whole of the State of Mysore and shall come into force on the first day of January, 1952.

Proceedings pending at commencement of Part I or Part II.

11. Nothing in Part I or Part II shall be construed to affect the jurisdiction of any court,—

(*a*) with respect to any suit instituted before rules under Part I applicable to the valuation of the suit take effect, or Part II has come into force, as the case may be, or

(*b*) with respect to any appeal arising out of any such suit.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

NOTIFICATION.

No. 4401—L.A., Bangalore, dated 8–10th October 1951.

As required by Rule 69 of the Rules of Procedure and Conduct of business in the Mysore Legislative Assembly, the following report of the Select Committee on the City of Bangalore Improvement (Amendment) Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

REPORT OF THE SELECT COMMITTEE ON THE CITY OF BANGALORE IMPROVEMENT (AMENDMENT) BILL, 1951.

(*Presented on 8th October 1951.*)

We, the Members of the Select Committee appointed to consider the City of Bangalore Improvement (Amendment) Bill,1951, have examined the Bill in detail. We have also had the benefit of the opinion of the Bangalore Corporation on the provisions of the Bill offered to us by three representatives of the Corporation including the Mayor who met us and discussed the several provisions of the Bill with us. We have the honour to submit the following report :—

Clause 2.—We recommend that in items (i),(ii) and (iii) of this clause, the words 'shall be substituted" may be omitted and the following words inserted at the end of the clause :

" shall be substituted wherever they occur."

Clause 3.—We recommend that in item (1) of the proposed section 2, for the words " prescribed by ", the words " payable under " may be substituted, in item (5) for the words " State Government ", the words " Government of Mysore " may be substituted, item (9) may be omitted and items (10) and (11) renumbered as items (9) and (10).

Clause 7.—We are of the opinion that the Chairman should have power to incur expenditure up to Rs. 3,000 as in the case of the Commissioner of the Corporation and that the Board should have power to incur expenditure beyond Rs. 3,000 but up to a limit of Rs. 10,000, and that in respect of expenditure exceeding Rs. 10,000 the approval of the Government should be obtained. We also feel that within these limits power should be available to these authorities to call for tenders and sanction